

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH=24

| | | |
|----------------------------|---|--------------------------|
| In re Application of: |) | Conf. No.: 9660 |
| |) | |
| David WALLACH et al |) | Art Unit: 1642 |
| |) | |
| Appln. No.: 09/445,223 |) | Examiner: M. T. B. Davis |
| |) | |
| Filed: December 6, 1999 |) | Washington, D.C. |
| |) | |
| For: MODULATORS OF |) | October 23, 2006 |
| INTRACELLULAR INFLAMMATION |) | |
| CELL DEATH, AND ... |) | |

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated April 21, 2006, of the Primary Examiner. The claims appealed are claims 5-8, 11, 23, 24, 44, 46-48, 51 and 54-57.

The item(s) checked below are appropriate:

 Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

 \$500.00

 \$250.00 (small entity)

XXX Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First - \$ 60.00

[] Second - \$225.00

[] Third - \$510.00

month after time period set

[] Less fees (\$) already paid for months extension of time on .

Other Than Small Entity
Response Filed Within

[] First - \$ 120.00

[] Second - \$ 450.00

[X] Third - \$1020.00

month after time period set

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 1,020.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: /ACY/

Allen C. Yun

Registration No. 37,971

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528